

From: Burk Braun
To: Microsoft ATR
Date: 12/7/01 1:08pm
Subject: Microsoft Settlement

Dear Justice department,

I am writing to comment on the pending Microsoft antitrust settlement. Please see <http://www.pbs.org/cringely/pulpit/pulpit20011206.html> for some related, though more articulate, thoughts.

I am not sure what the "Justice" department has been thinking, but several aspects of the proposed deal fail completely to penalize Microsoft for the predatory behavior they have exhibited in squelching innovation in the computer industry. And for the small part of which they have now, been convicted in court.

1) 1 Billion dollar program for schools.

You realize, of course, that 1 billion dollars is literally a drop in the 36 Billion dollar bucket that is Microsoft's cash reserves. They will use their remaining money to crush other companies in the same or other industries. For instance, witness the X-box program. They lose money on every box sold, and doubtless on every game as well. Does anyone raise an eyebrow? Apparently not, except that this is a classic case of abuse of a monopoly gained in an entirely different industry. I believe at least half of their cash reserves should be sent directly to the government without any further strings attached.

2) 1 Billion dollar program for schools.

The way the program is structured now, Microsoft will contribute software and hardware to schools, further crushing competitors who already sell computer systems to schools and wedding schools to the Microsoft suite of programs and operating systems. This would be disastrous for Apple, among others. Again, the suggested remedy should be in terms of money alone, not products on which they already have a monopoly or wish to gain one.

3) Shielding of for-profit companies only. From what I read (see web site above), the settlement subjects Microsoft to certain controls over its software businesses, but only in regard to protecting its for-profit competitors. Microsoft has many not-for-profit competitors which should be likewise protected for the greater good of the industry and the general welfare. The web is mostly open-source at this point and it would benefit everyone to keep it that way. Additionally, many competitors no longer exist, such as Netscape as an independent company- they were crushed by Microsoft through its ability to take money from its monopoly in other software to offer a

competing product entirely for free. This strangled the innovation that was just gaining ground at Netscape and elsewhere to essentially make the web into the computer's operating system. It was this innovation that Microsoft feared, rightly or wrongly, and moved to destroy.

-Burk Braun

37 Hillcrest Drive, San Rafael, CA 94901